

From: Phanopepla@aol.com
To: [Mohr, Jason](#)
Subject: Re: Water Rights Ownership Update Study Information
Date: Friday, April 29, 2016 2:11:23 PM

Thanks, Jason.

Just in case there are any technical difficulties that prevent us from getting connected, I would like to offer the following for the record:

At the last WPIC committee meeting, members were given inaccurate information about the water rights ownership transfer process. At least two of the witnesses testified that there were problems with the "counties" getting the information to the Department of Revenue (DOR).

I surveyed, through e-mail and with telephone follow up, all of the county clerk and recorders to learn how often the Realty Transfer Certificates were transmitted to the DOR. In some counties with a lot of real estate activity, that happens on a daily basis. In most cases however I was advised that the DOR comes in to pick up the RTCs on a bi-weekly or weekly basis. In no case does an RTC sit in a clerk and recorders office for months.

I was confused by the testimony of Tim Davis, in particular so I gave him a call. After visiting with him I went back to the archived meeting and re-viewed that portion of the meeting and I believe I have a much better understanding of at least one of the problems. Mr. Davis and Ms. Evans both referred to the "county data" getting transferred to the DOR. There is no "county data" that gets transferred to the DOR. I can't emphasize that point strongly enough. The clerks and recorders don't get the Water Rights Ownership update forms so it is never up to them to transfer it anywhere. I believe that they were referring to the local assessment/appraisal offices as "county" offices and a long time ago (several decades) they were county offices. The RTCs are collected by those offices and that data is (I believe) transferred to the DOR's cadastral system.

In visiting with the clerks and recorders, several of them suggested to me two recommendations to help solve the ownership information delay problem: 1) Provide the DOR with sufficient staffing to update the cadastral in a more timely manner and, 2) Encourage the DNRC to provide a higher level of public education to new property purchasers.

Thank you for this opportunity to comment.

Linda Stoll, on behalf of the Montana Clerk and Recorder Association

In a message dated 4/28/2016 3:56:28 P.M. Mountain Daylight Time, JasonMohr@mt.gov writes:

Linda,

I'll call you, so thanks for the number. My cell is 218-393-4725, if anything comes up! I'll shoot you a text as we get closer to that agenda item, too.

Sincerely,

Jason Mohr

Research analyst

WATER POLICY INTERIM
COMMITTEE 2015-16

May 2, 2016

Exhibit 5